**IN THE HIGH COURT OF JUDICATURE**
**AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 2125 OF 2005**

Mukesh Shantilal Mehta & Anr. ...Petitioner
Vs.
The Stateof Maharashtra ...Respondents
(Through Mira Road Police Station)

Mr. Pradeep Dubey i/b. Mr. Manoj Kumar Upadhyay for the Petitioner
S.D. Shinde, A.P.P for the State

**CORAM: SHRI J.N.PATEL &**
**SMT. ROSHAN DALVI, JJ.**
**DATED: 29TH AUGUST, 2006**

**P.C.**

1. Heard.

2. The Petitioner seeks leave for quashing of FIR No.201 of 2003 pursuant to which C.C. No.209 of 2003 came to be registered by Mira Road Police Station. In view of the fact that the Petitioner is already prosecuted in a complaint case it will be proper for him to defend the matter before the Judicial Magistrate, First Class, Thane, as it will not be proper for this Court to intervene or intercept in the on-going proceeding before the learned Magistrate and the Petitioner

will have sufficient opportunity to put up his defence at the appropriate time. We are not inclined to entertain this Petition. Petition is dismissed.

**(SMT.ROSHAN DALVI, J.)  (SHRI. J.N. PATEL, J.)**